



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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DEVELOPMENT DENSITY OPTIONS FOR CONSIDERATION OF NR 115 ADVISORY COMMITTEE Prepared June 2, 2003

1. Lot Size Options
2. Impervious Surface Standards Options
3. Nonconforming Lot Options
4. Setback Averaging Options

1. LOT SIZE OPTIONS

Favor		Option
Yes	No	A. 10,000 square feet with 65 feet of frontage at the ordinary high water mark if the lot served by a public sanitary sewer and 20,000 square feet with 100 feet of frontage at the ordinary high water mark if the lot is not served by a public sanitary sewer (Status Quo)
Yes	No	B. 20,000 square feet with 100 feet of frontage at the ordinary high water mark
Yes	No	C. 20,000 square feet with 100 feet of frontage at the ordinary high water mark and at the time of platting, the lot shall have at least 5,000 square feet of land which is not wetland, floodway or slopes greater than 20%
Yes	No	D. 30,000 square feet with 150 feet of frontage at the ordinary high water mark
Yes	No	E. 30,000 square feet with 150 feet of frontage at the ordinary high water mark and at the time of platting, the lot shall have at least 5,000 square feet of land which is not wetland, floodway or slopes greater than 20%
Yes	No	F. Other options as recommended by Committee members

Analysis of Options

Results	A	B	C	D	E
1. Removes inconsistency between sewerred and unsewerred lots		✓	✓	✓	✓
2. Ensures a buildable lot			✓		✓
3. Decreases variance requests and workload			✓		✓
4. Increases the size of shoreland lots to reduce the amount of lots per mile and thus better protect water quality, natural scenic beauty and wildlife habitat.		✓	✓	✓	✓
5. Promotes planning when platting lots			✓		✓
6. Increases workload when platting lots			✓		✓
7. Could create nonconforming lots around the state		✓	✓	✓	✓

2. IMPERVIOUS SURFACE STANDARD OPTIONS

Impervious Surface

Any paved or structural surface that limits or impedes infiltration or causes additional runoff. Such surfaces include, but are not limited to buildings, structures, decks, patios, walkways, driveways and parking areas. (NR 151.002(17))

Favor		Option
Yes	No	A. Impervious surfaces shall not exceed 20% of the entire lot within the shoreland zone
Yes	No	B. Impervious surfaces shall not exceed 2,500 square feet or 20% of the lot within the shoreland zone, whichever is greater
Yes	No	C. Impervious surfaces shall not exceed 10% of the lot within the shoreland zone, unless best management practices are implemented to control 90% of the post-development runoff.
Yes	No	D. No impervious surface cap

Analysis of Options

Results	A	B	C	D
1. Will scale development to the amount of land within the shoreland zone	✓	✓	✓	
2. Flexible approach and is responsive to differing lot sizes (not “one-size-fits-all”)	✓	✓	✓	
3. Allows greater impervious area for small lots (provides buildable area); may result in more runoff than can be infiltrated on the lot)		✓		✓
4. Provides a trigger for when runoff must be controlled to protect water quality and wildlife habitat			✓	
5. More complicated to administer with different standards based on lot size		✓	✓	

3. NONCONFORMING LOT OPTIONS

The Department recommends that if a nonconforming lot does provide a compliant building location, it can be built on, however, if the lot does not provide a compliant building location, the roadway and OHWM setbacks may be reduced to provide a 30-foot deep building envelope, with the application of the following provisions:

- The road setback is first reduced by a maximum of one-half of the total setback
- If necessary, the OHWM setback may then be reduced by a maximum of one-third of the total setback.
- No accessory structures are allowed in the 30-foot deep building envelope except for attached garages
- The primary buffer must be preserved or restored
- Mitigation standards shall be consistent with requirements for nonconforming structures and additional mitigation practices may be required (formula results in new structures on small lots, where as nonconforming regulations address existing structures)

4. SETBACK AVERAGING OPTIONS

The Department recommends that to qualify for a reduced OHWM setback, there must be principal structures within 100 feet on both sides of proposed building site that are built at less than the required setback. The reduced setback may not result in new construction in the primary buffer and shall be:

Favor		Option
Yes	No	A. The average of the adjacent principal structures
Yes	No	B. The same setback as the farther of the two adjacent principal structures
Yes	No	C. No setback averaging allowed

- Size limits shall be established consistent with the limited expansion limits for nonconforming structures
- The primary buffer must be preserved or restored
- Mitigation standards shall be consistent with requirements for nonconforming structures and additional mitigation practices may be required (setback averaging results in new structures, where as nonconforming regulations address existing structures)

PUBLIC RECORD

If you would like your comments to be part of the public record for the NR115 rule revision, please provide the following information. Please print legibly.

Date: _____

Name: _____

Address: _____

Phone: _____

Email: _____

Would you like to receive email updates about the status of the NR 115 revision process? ☐ Yes ☐ No

Additional Comments: